

26 MAR 2007



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In re Application of
ARNOLD-HUYSER *et al*
U.S. Application No.: 10/532,025
PCT No.: PCT/US2003/033242
Int. Filing Date: 20 October 2003
Priority Date: 21 October 2002
Attorney Docket No.: 026032-4899
For: POINT-OF-INTEREST DISPLAY
SYSTEM

DECISION

This decision is in response to applicants' "Renewed Petition Under 37 C.F.R. 1.47(a)" filed 07 February 2007.

BACKGROUND

On 07 November 2006, a decision dismissing applicants' renewed 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 07 February 2007, applicants filed a second renewed petition which contained, *inter alia*, a copy of a letter sent to the nonsigning inventor dated 31 January 2007 along with postal receipt records and a copy.

DISCUSSION

Applicants' original petition under 37 CFR 1.47(a) filed 23 February 2006 was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to Mr. Bambini. As such, no refusal by conduct could be shown. Applicants' renewed petition filed 16 October 2006 again did not make such a showing and was similarly dismissed.

In the second renewed petition, the 37 CFR 1.47(a) applicants provided sufficient documentary evidence that a complete copy of the subject application was presented to Mr. John S. Bambini via mail and email. Moreover, the email response by Mr. Bambini on 31 January 2007 constitutes a written refusal to cooperate. In addition, no response to the letter mailed 31 January 2007 has been received.

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The conduct of Mr. Bambini constitutes a refusal to cooperate as contemplated by section 409.03(d) of the MPEP. Applicants have now provided sufficient evidence to meet the requirements of item (2) of 37 CFR 1.47(a).

Accordingly, all the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 20 October 2003 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 23 February 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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